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TO: **EXAMINER ALI, Shumaya B.** FROM: GUY V. TUCKER

COMPANY: UNITED STATES PATENT OFFICE PHONE NUMBER: 650-631-3100
GROUP ART UNIT: 3743

FAX NUMBER: 1-571-273-8300 FAX NUMBER: 650-631-3125

PHONE NUMBER: DATE: OCTOBER 26, 2005

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NOTES/COMMENTS:

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OCT 28 2005

Practitioner's Docket No. 0136.00

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Alston et al.

Application No.: 10/729,832

Filed: 12/5/2003

For: RECEPTACLE FOR AN AEROSOLIZABLE PHARMACEUTICAL FORMULATION

Group No.: 3743

Examiner: ALI, Shumaya B.

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

- Transmitted herewith is an amendment for this application.

STATUS

- Applicant is other than a small entity.

EXTENSION OF TERM

- The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that a three month extension of time is required and is submitted herewith. Please charge the fee of \$1,020.00 for this extension to deposit account number 500348.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

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Karen J. Moir
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* Only the date of filing ('1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under '1.8 continues to be taken into account in determining timeliness. See '1.703(f). Consider "Express Mail Post Office to Addressee" ('1.10) or facsimile transmission ('1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

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PATENT

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I hereby certify that the following papers are being facsimile transmitted to the Patent and Trademark Office on October 28, 2005 at (571) 273-8300.

Signed:



Karen Muir

In the United States Patent and Trademark Office

Applicant: Alston et al.

Applicant's Ref: 0136.00

Examiner: Ali, Shumaya B.

Application No: 10/729,832

Group Art Unit: 3743

Filed: December 5, 2003

Title: Receptacle for an aerosolizable
pharmaceutical formulationAMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This amendment is in response to the Office Action dated May 3, 2005 and is being filed within six months thereof with a request for a three month extension of time. The present amendment is being filed in accordance with revised rule 37 CFR 1.121. Thus, marked-up amendments to the claims and/or specification are provided and no clean versions of the amendments are provided.

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